

EXHIBIT A

Birrer Declaration

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TWYLA SANDOLPH,

Plaintiff

v.

MARTIN MARIETTA

MATERIALS INC.,

Defendant

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§
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§

CA-6:19-cv-00516-ADA-JCM (Jury)

DECLARATION OF MIKE BIRRER

1. My name is Mike Birrer. I am a partner at the law firm of Carrington, Coleman, Sloman & Blumenthal, LLP in Dallas, Texas. I have been licensed since 1992. Since I began practicing law, I have primarily been engaged in employment-related litigation matters, as well as counseling on employment-related matters.

2. I am the lead attorney for Defendant Martin Marietta Materials, Inc. in the above-styled case. Through my representation of Martin Marietta, I have personal knowledge of the facts stated here, which are true and correct.

3. This case was set for trial on July 5, 2023. My co-counsel, Parker Graham, and I drove from Dallas to Waco on July 4, 2023 to prepare for the trial. Martin Marietta's Client Representative and its Assistant General Counsel traveled from Raleigh, North Carolina to Waco on July 5 for the trial. Thirty-three people appeared to serve as potential jurors.

4. Before trial started on July 5, 2023, at approximately noon, the Court's staff provided "tech time" training to counsel for both parties. During tech time, the Court's staff instructed all counsel that before an exhibit could be shown to the jury, counsel must first offer it for admission and the Court must admit the exhibit into evidence. The Court's staff also explained

that the jurors' computer monitors would not display any exhibits until after the Court admitted the exhibit.

5. Plaintiff did not disclose or produce the lewd figurine to Martin Marietta in discovery. During the hearing on the oral motion for mistrial, counsel for Plaintiff argued that the existence of the actual doll was disclosed in discovery and specifically in response to the request for production of documents. Trans. v. 2, 235:22-24, 236:25-237:12. Counsel also stated, "if I'm not mistaken, in the discovery answer which I provided to defense counsel, I did list the doll ...[a]nd I said it's available for inspection at my office." Trans. v. 2, 235:3-6. Attached as **Exhibit 1** is a true and correct copy of Plaintiff Twyla Sandolph's Rule 26(a) Disclosures. Attached as **Exhibit 2** is a true and correct copy of Plaintiff's First Supplemental Rule 26(a) Disclosures. Attached as **Exhibit 3** is a true and correct copy of Plaintiff's Responses to the First Request for Production of Documents of Defendant Martin Marietta Materials, Inc. None of these discovery documents disclosed or offered for production (or inspection) the lewd figurine.

6. Counsel for Plaintiff did not make the lewd figurine available to me or my co-counsel on or before the date the joint pretrial order was due. During the hearing on the oral motion for mistrial, counsel for Plaintiff contended that the actual figurine may have been produced during Plaintiff's deposition. Trans. v. 2, 236:13-19. It was not. I have reviewed the deposition transcript when Plaintiff was deposed at counsel for Plaintiff's office. Nothing in the transcript supports counsel's assertion that the figurine was produced at the deposition. Page 79 of Plaintiff's deposition (a true and correct copy is attached as **Exhibit 4**) supports that Plaintiff had produced a picture of the doll in discovery—not the doll itself:

17 **Q. And when was the last time?**

18 A. The last time had to be -- may have been in
19 2018. This -- this was around the time he gave me the
20 Mardi Gras object.

21 Q. And is that the -- the anatomically correct
22 doll that you've given a picture of in your --

23 A. Yes.


24 Q. -- discovery? Okay.

7. I am familiar with the reasonable and customary fees charged for services on litigation matters in Texas like the underlying lawsuit in general and in Texas federal courts in particular. I am also familiar with reasonable and customary fees for services and attorney's fees in cases similar to the case at bar. The fees charged in this case are based upon the experience, reputation, and ability of the attorney performing the services, and the amount in controversy. The nature of the work performed by the attorneys and paralegals and the rates charged in my opinion are customary and reasonable for such work done in Texas. My reasonable hourly rate is \$700. Mr. Graham's reasonable hourly rate \$550. As noted on the fee statement, Martin Marietta receives a 10% discount.

8. Between July 5, 2023 to July 6, 2023, Martin Marietta incurred \$20,884.50 in reasonable and necessary attorney's fees (at the discounted rate). Attached as **Exhibit 5** is a breakdown of the hours billed for each day and totals (which I incorporate here by reference). In addition, reasonable travel-related expenses for Carrington Coleman were \$1,133.10. This included meals, hotel rooms, and travel. Based on my review of billing details, the roundtrip airfares for Malcolm Cox (Martin Marietta's in-house counsel) and Kate Gallagher (formerly Glaze) (Martin Marietta's client representative) totaled \$1,105.82 and their hotel rooms totaled \$815.35. Accordingly, reasonable attorneys' fees plus reasonable travel expenses **total \$23,938.77.**

I declare under penalty of perjury that the facts set forth in the foregoing declaration are within my personal knowledge and are true and correct.

Signed on this 28th day of July 2023.



Mike Birrer

EXHIBIT 1

PETER COSTEA

ATTORNEY AT LAW
4544 POST OAK PLACE, SUITE 350
HOUSTON, TEXAS 77027

PHONE: 713/337-4304

FAX: 713/513-5720

March 16, 2020

Mr. Mike Birrer
Carrington Coleman LLP
901 Main Street, Suite 5500
Dallas, Texas 77202

Via Facsimile Transmission
214-855-1333

Re.: Cause Nr.: 6:19-cv-00516; Twyla Sandolph v. Martin Marietta Materials, Inc.; In
the United States District Court for the Western District of Texas; Waco Division

Dear Mr. Birrer:

I am faxing Plaintiff's Rule 26(a) Disclosures.

Thank you for your courtesies.

Very truly yours,


Peter Costea

encl.
PC/my

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TWYLA SANDOLPH,	S	
Plaintiff	S	
	S	
v.	S	
	S	CA-6:19-cv-00516-ADA-JCM (Jury)
MARTIN MARIETTA MATERIALS,	S	
INC.,	S	
Defendant	S	

PLAINTIFF'S RULE 26(a) DISCLOSURES

TO: Defendant, Martin Marietta Materials, Inc., by and through its Attorney of Record, Mr. Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Texas 75202.

Plaintiff makes the following Disclosures to the Defendant pursuant to Federal Rule of Civil Procedure 26(a).

I.

Persons with Knowledge of Relevant Facts

Twyla Sandolph
c/o Peter Costea
4544 Post Oak Place, Suite 350
Houston, Texas 77027
Tel. 713-337-4304

Twyla Sandolph is the Plaintiff. She has knowledge of facts which substantiate her claims, damages, and entitlement to relief.

Manuel Alaniz
Mike Campbell
Alvin Chappelle
Malinda Feola
Vincent Henderson
Joe Hernandez
Roy Jackson
Scott Pitre
Corey Pitts
Joseph Rohman

Page 2

Carlos Salazar
Darren Williams
Tony Williams
Brandon (LNU)
Carlos (LNU)
Cassandra (LNU)
Chavez (LNU)
Gomez (LNU)
Griff (LNU)
Malinda (LNU)
Omar (LNU)
Ramirez (LNU)
Red (LNU)
Wade (LNU)
Martin Marietta Materials, Inc.
7901 Fish Pond Road
Waco, Texas 76710
Tel. 254-772-9992

These individuals are current or former employees of the Defendant who worked with the Plaintiff, and/or subjected the Plaintiff to discrimination, sexual harassment, or retaliation. They have knowledge of facts which support Plaintiff's claims, damages, and entitlement to relief.

II.

Relevant Records

Plaintiff has possession and custody of the following relevant documents: (1) EEOC / TCHR records; (2) text messages; and (3) Defendant's employee handbook.

III.

Insurance

Not relevant to the Plaintiff.

IV.

Damages

Currently, Plaintiff seeks the following categories of damages: (1) **Lost wages** in an amount to be determined after completion of discovery based on documents to be obtained from Defendant. (2) **Compensatory damages** in an amount to be determined by the jury in trial; (3)

Page 3

Punitive damages in an amount to be determined by the jury in trial; (4) Reasonable and necessary **attorney's fees** at \$450.00/hour; and (5) **Interest** and taxable **costs**.

Respectfully submitted,

BY: 

Peter Costea

TBN 04855900

4544 Post Oak Place, Suite 350

Houston, Texas 77027

Tel. 713-337-4304

Fax 713-237-0401

Email: peter@costealaw.com

ATTORNEY FOR PLAINTIFF

TWYLA SANDOLPH

CERTIFICATE OF SERVICE

I certify that on March 16, 2020 I faxed a true and correct copy of the foregoing pleading to counsel for Defendant, Mr. Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Texas 75202.


Peter Costea

Fax Send Confirmation

Page 1

Date/Time : MAR-16-2020 12:03PM MON
Model Name : SL-C1860FW
Machine Serial Number : 076ZBJFH9000PKH
Host Name : SEC30CDA7F58B5E

No	Name/Number	StartTime	Time	Mode	Page	Result
032	12148551333	03-16	12:02PM 00'00	ECM	000/004	Cancelled

Number is
"unallocated"

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TWYLA SANDOLPH,	S	
Plaintiff	S	
	S	
v.	S	
	S	CA-6:19-cv-00516-ADA-JCM (Jury)
MARTIN MARIETTA MATERIALS,	S	
INC.,	S	
Defendant	S	

PLAINTIFF'S FIRST SUPPLEMENTAL RULE 26(a) DISCLOSURES

TO: Defendant, Martin Marietta Materials, Inc., by and through its Attorney of Record, Mr. Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Texas 75202.

Plaintiff makes the following First Supplemental Disclosures to the Defendant pursuant to Federal Rule of Civil Procedure 26(a).

I.

Persons with Knowledge of Relevant Facts

Twyla Sandolph
c/o Peter Costea
4544 Post Oak Place, Suite 350
Houston, Texas 77027
Tel. 713-337-4304

Twyla Sandolph is the Plaintiff. She has knowledge of facts which substantiate her claims, damages, and entitlement to relief.

Manuel Alaniz
Mike Campbell (Waco, Texas, Tel. 254-301-5262)
Alvin Chappelle
Malinda Feola
Vincent Henderson
Joe Hernandez
Roy Jackson (Waco, Texas, Tel. 254-424-8833)
Dennis Minor (Waco, Texas, Tel. 254-339-9101)
Chris Moore (Waco, Texas, Tel. 254-733-8623)
Scott Pitre

Page 2

Corey Pitts
Joseph Rohman
Carlos Salazar
Darren Williams
Tony Williams (Waco, Texas, Tel. 254-405-1993)
Brandon (LNU)
Carlos (LNU)
Cassandra (LNU)
Chavez (LNU)
Gomez (LNU)
Griff (LNU)
Malinda (LNU)
Omar (LNU)
Ramirez (LNU)
Red (LNU)
Wade (LNU)
Martin Marietta Materials, Inc.
7901 Fish Pond Road
Waco, Texas 76710
Tel. 254-772-9992

These individuals are current or former employees of the Defendant who worked with the Plaintiff, and/or subjected the Plaintiff to discrimination, sexual harassment, or retaliation. They have knowledge of facts which support Plaintiff's claims, damages, and entitlement to relief.

II.

Relevant Records

Plaintiff has possession and custody of the following relevant documents: (1) EEOC / TCHR records; (2) text messages; and (3) Defendant's employee handbook.

III.

Insurance

Not relevant to the Plaintiff.

IV.

Damages

Currently, Plaintiff seeks the following categories of damages:

Page 3

(1) **Lost wages** in an amount to be determined after completion of discovery based on documents to be obtained from Defendant. Currently, however, Plaintiff claims \$855 in retaliation damages. This amounts corresponds to the three (3) days of suspension given the Plaintiff after she complained of sexual harassment. Plaintiff earned, on average, about \$285 a day. Plaintiff will supplement this discovery item once the unlawful termination of employment claim is added to the suit, following the exhaustion of administrative remedies before the EEOC.

(2) **Compensatory damages** in an amount to be determined by the jury in trial;

(3) **Punitive damages** in an amount to be determined by the jury in trial;

(4) Reasonable and necessary **attorney's fees** at \$450.00/hour; and

(5) **Interest** and taxable costs.

Respectfully submitted,

BY: 

Peter Costea

TBN 04855900

4544 Post Oak Place, Suite 350

Houston, Texas 77027

Tel. 713-337-4304

Fax 713-237-0401

Email: peter@costealaw.com

ATTORNEY FOR PLAINTIFF

TWYLA SANDOLPH

CERTIFICATE OF SERVICE

I certify that on April 24, 2020 I faxed a true and correct copy of the foregoing pleading to counsel for Defendant, Mr. Mike Birrer Carrington, Coleman, Sloman & Blumenthal, LLP, 901 Main Street, Suite 5500, Dallas, Texas 75202.


Peter Costea

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TWYLA SANDOLPH,
Plaintiff

v.

MARTIN MARIETTA MATERIALS,
INC.,
Defendant

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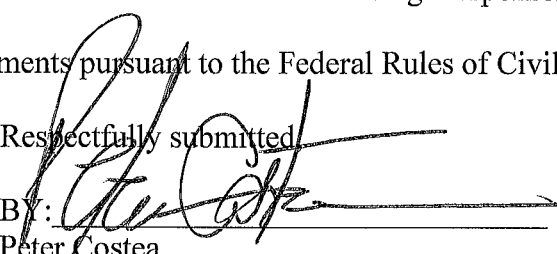
CA-6:19-cv-00516-ADA-JCM (Jury)

PLAINTIFF'S RESPONSES TO THE FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS OF DEFENDANT MARTIN MARIETTA MATERIALS, INC.

TO: Defendant, Martin Marietta Materials, Inc., by and through its Attorney of
Record, Mr. Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, LLP, 901
Main Street, Suite 5500, Dallas, Texas 75202.

Plaintiff Twyla Sandolph submits to Defendant the following Responses to Defendant's
First Request for Production of Documents pursuant to the Federal Rules of Civil Procedure.

Respectfully submitted,

BY: 
Peter Costea
TBN 04855900
4544 Post Oak Place, Suite 350
Houston, Texas 77027
Tel. 713/337-4304
Fax 713/780-7111
Email: peter@costealaw.com
ATTORNEY FOR PLAINTIFF
TWYLA SANDOLPH

CERTIFICATE OF SERVICE

I certify that on April 20, 2020 I mailed a true and correct copy of the foregoing pleading
to counsel for Defendant, Mr. Mike Birrer, Carrington, Coleman, Sloman & Blumenthal, LLP,
901 Main Street, Suite 5500, Dallas, Texas 75202.


Peter Costea

Page 2

REQUESTS FOR PRODUCTION OF DOCUMENTS

Request for Production no. 1:

All Materials referenced or identified in Your responses to Interrogatories (as well as any amendments or supplements thereto).

Response: Attached.

Request for production no. 2:

The text messages identified in Your Initial Disclosures.

Response: Attached.

Request for production no. 3:

Excluding attorney/client communications, all Materials relating to any communications between You and any other person relating to this Lawsuit or Your claims in this Lawsuit.

Response: Attached.

Request for production no. 4:

All written or recorded statements, including interviews and affidavits, of any person with knowledge of the facts in this Lawsuit.

Response: None.

Request for production no. 5:

All Materials related to Your suspension on or about June 11, 2018.

Response: Attached.

Request for production no. 6:

Any Materials on social media (Twitter, Facebook, YouTube, Instagram, etc.) that You have made related to Martin Marietta, Your suspension on or about June 11, 2018, Your Charge, or this Lawsuit.

Response: Attached.

Request for production no. 7:

Page 3

All Materials relating to Your work or job performance while employed by Martin Marietta. This includes any write-ups, suspensions, or other disciplinary actions taken against You.

Response: Attached.

Request for production no. 8:

All Materials related to Your allegation that Joe Hernandez sexually harassed You. This includes all Materials related to the conduct by Mr. Hernandez described by You on pages 5-6 of Your First Amended Petition.

Response: Attached.

Request for production no. 9:

All Materials related to any occasion on which You contend You reported to Martin Marietta any sexual harassment or inappropriate conduct by Joe Hernandez between September 10, 2017, and the present. This includes any occasion on which You claim You “brought up to management’s attention the coarse speech, filthy language, filthy images and photos as well as the filthy objects given or directed to [You] because of [Your] sex, female.”

Response: Attached.

Request for production no. 10:

All Materials reflecting any communications from Martin Marietta management to You related to Your alleged complaints of harassment by Joe Hernandez from September 10, 2017, to the present.

Response: None.

Request for production no. 11:

All Materials reflecting communications between You and Joe Hernandez between September 10, 2017, and the present.

Response: Attached.

Request for production no. 12:

All Materials supporting Your contention that Martin Marietta retaliated against You for reporting the alleged harassment by Joe Hernandez.

Page 4

Response: Attached.

Request for production no. 13:

All Materials related to Your allegation that Martin Marietta told other employees about Your report of harassment against Joe Hernandez and/or encouraged other employees to harass You as a consequence of Your complaint.

Response: Attached.

Request for production no. 14:

All Materials related to Your allegation that Malinda Feola asked employees, including Roberto Chavez, to make “untruthful allegations” against You.

Response: Attached.

Request for production no. 15:

All Materials related to Your allegation that Malinda Feola told You “employees had previously told [Feola] that Plaintiff was being sexually harassed,” as alleged in Your complaint.

Response: Attached.

Request for production no. 16:

All Materials related to Your request to transfer from the Woodway Plant to another Martin Marietta plant (Gholson or otherwise).

Response: None.

Request for production no. 17:

All Materials related to Your allegation that Martin Marietta management was aware that You were being sexually harassed, other than through Your own complaints.

Response: Attached.

Request for production no. 18:

All Materials related to the incident on or about June 7, 2018, during which You and Joe Hernandez were involved in a verbal altercation via the Company radio.

Response: Attached.

Page 5

Request for production no. 19:

All Materials related to Your contention that the harassment by Joe Hernandez “impacted [Your] relationship with [Your] children.”

Response: None.

Request for production no. 20:

All Materials related to Your contention that Your “medical provider placed [You] on medication as a result of the harassment by Joe Hernandez.

Response: None.

Request for production no. 21:

All Materials, including, but not limited to, records, doctor’s notes, prescriptions, diagnoses, bills, correspondence, tapes, handwritten notes, invoices, receipts, or fee statements from any hospital, physician, psychologist, psychiatrist, therapist, or other health care provider, relating to medical, psychological, or psychiatric diagnosis, treatment, or counseling received by You from September 10, 2017, through the date of trial. A release form authorizing the disclosure of Materials to Martin Marietta and its counsel is attached hereto as “Exhibit A,” and You are instructed to sign the release form and provide it to counsel for Martin Marietta with Your response to these Requests.

Response: Attached.

Request for production no. 22:

All Materials demonstrating or reflecting that You were treated differently from employees outside Your protected class, as alleged in Your First Amended Petition.

Response: Attached.

Request for production no. 23:

All Materials related to Your allegation that Martin Marietta retaliated against You for filing the Charge.

Response: Attached.

Request for production no. 24:

Page 6

All Materials relating to Your damages in this Lawsuit, including, but not limited to, the Materials relating to the occurrence of such damages, each of the elements of such damages, and the computation of such damages.

Response: Attached.

Request for production no. 25:

All Materials reflecting communications between You and Roberto Chavez between September 10, 2017, and the present.

Response: None.

Request for production no. 26:

All Materials reflecting communications between You and Alvin Chappell between September 10, 2017, and the present.

Response: None.

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TWYLA SANDOLPH,)
)
Plaintiff,)
)
vs.) Case No. 6:19-CV-00516-ADA-JCM
)
MARTIN MARIETTA) Jury Trial Demanded
MATERIALS, INC.)
)
Defendant.)

ORAL DEPOSITION

TWYLA SANDOLPH

December 8, 2022

(VOLUME 1)

ORAL DEPOSITION OF TWYLA SANDOLPH, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above-styled and numbered cause on the 8th day of December, 2022, from 8:50 a.m. to 3:11 p.m., before Jennifer Lynn Marquardt, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the Law Office of Peter Costea: 4544 Post Oak Place, Suite 350, Houston, Texas 77027, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

6

1 (It was agreed by all parties present to
2 waive Federal Rule 30(b)(5)(A))

3 THE REPORTER: Okay. Today is December 8,
4 2022, and I have the time as 8:50 a.m. Central time.
5 This is pursuant to Federal Rules of Civil Procedure.

6 TWYLA SANDOLPH,
7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 Q. (BY MR. BIRRER) Ms. Sandolph, my name is Mike
10 Birrer, and I'm an attorney representing Martin
11 Marietta.

12 A. Uh-huh.

13 Q. And I'm gonna be asking you questions today.

14 A. Okay.

15 Q. And so if, at any time, you don't understand
16 one of my questions, will you let me know that?

17 A. Yes.

18 Q. And if you go ahead and answer, I'm going to
19 assume that you understood the question and you're
20 answering accordingly. All right?

21 A. Okay.

22 Q. Could you please state your name for the
23 record.

24 A. Twyla Sandolph.

25 Q. What's your current mailing address?

1 talked to -- there was one occasion when you spoke with
2 Manuel about the issue of hours, correct?

3 A. Yes.

4 Q. Okay. Any other time that you can specifically
5 remember speaking to Manuel about Joe other than those
6 two?

7 A. I spoke to him about the -- the messages, the
8 videos.

9 Q. And when was that?

10 A. Maybe two days after Joe showed me the videos.

11 Q. Do -- you don't remember the month or year?

12 A. Joe showed me videos, at least, five times,
13 so --

14 Q. And do you remember the first time?

15 A. The first time was 2017. It had to be May --
16 May or June.

17 Q. And when was the last time?

18 A. The last time had to be -- may have been in
19 2018. This -- this was around the time he gave me the
20 Mardi Gras object.

21 Q. And is that the -- the anatomically correct
22 doll that you've given a picture of in your --

23 A. Yes.

24 Q. -- discovery? Okay.

25 So -- so the -- so sometime -- the first

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TWYLA SANDOLPH,)
)
Plaintiff,)
)
vs.) Case No. 6:19-CV-00516-ADA-JCM
)
MARTIN MARIETTA) Jury Trial Demanded
MATERIALS, INC.)
)
Defendant.)

REPORTER'S CERTIFICATE

ORAL DEPOSITION OF TWYLA SANDOLPH

December 8, 2022

(VOLUME 1)

I, Jennifer L. Marquardt, the undersigned Certified
Shorthand Reporter in and for the State of Texas do
herby certify to the following:

That the witness, Twyla Sandolph, was duly sworn by
the court reporter, and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant of FRCP Rule
30(e)(1) that the signature of the deponent:

XX was requested by the deponent or a party
before the completion of the deposition and is to be

1 returned within 30 days from the date of receipt of the
2 transcript. If returned, the attached Changes and
3 Signature page contains any changes and the reasons
4 therefor;

5 ___ was not requested and/or was waived by the
6 deponent or any party present before the completion of
7 the deposition;

8 That pursuant to information given to the deposition
9 officer at the time said testimony was taken, the
10 following includes all parties of record and the amount
11 of time used by each party present at the time of the
12 deposition:

- 13 1. PETER COSTEA: (00Hr:19m)
14 Attorney for the Plaintiff, Twyla Sandolph
- 15 2. MIKE BIRRER : (04Hr:45m)
16 Attorney for the Defendant, Martin Marietta
17 Materials, Inc.

17 That \$_____ is the deposition officer's charges
18 to the Defendant, Martin Marietta Materials, Inc.; Mike
19 Birrer, Carrington Coleman, L.L.P.: 901 Main Street,
20 Suite 5500, Dallas, Texas 75202 for preparing the
21 original deposition and any copies of exhibits.

22 I further certify that I am neither attorney or
23 counsel for, related to, nor employed by any parties to
24 the action in which this testimony is taken and,
25 further, that I am not a relative or employee of any

counsel employed by the parties hereto or financially
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of
office on this the 26th day of December, 2022.



Jennifer L. Marquardt, CSR
Texas CSR No. 7034
Expiration: 04/30/2024
LEXITAS
Firm's Registration No. 95
13101 Northwest Freeway, Suite 210
Houston, Texas 77040
Telephone: (281)469-5580
Facsimile: (713)460-2525

EXHIBIT 5

**CARRINGTON COLEMAN**

Carrington, Coleman, Sloman & Blumenthal, L.L.P. ▪ 901 Main Street, Suite 5500 ▪ Dallas, Texas 75202 ▪ 214.855.3000 ▪ fax: 214.855.1333

Attorneys at Law
 Tax ID #75-1315313
 Email: ccsb@ccsb.com

July 26, 2023

TO:

H. Wayne Phears
 Associate General Counsel - Litigation
 Martin Marietta Materials
 4123 Parklake Avenue
 Raleigh, NC 27612

Bill #: 384460

Page 1

028351 Martin Marietta Materials
 0053 Sandolph, Twyla
 Claim Number: 20140009

Professional services rendered through 07/05/2023 to 07/06/23:

Fees	\$	23,205.00
LESS Fee Discount	\$	-2,320.50

Total Fees	\$	20,884.50
Total Disbursements	\$	1,133.10

TOTAL FEES AND DISBURSEMENTS	\$	22,017.60
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TOTAL AMOUNT DUE	\$	22,017.60
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Total Amount Due By August 16, 2023

MAIL PAYMENTS TO:

Carrington, Coleman
 ATTN: Accounting Dept.
 901 Main St., Suite #5500
 Dallas, TX 75202

WIRE INSTRUCTIONS:

Regions Bank
 1717 McKinney Av.
 Dallas, TX 75202
 ABA# 062005690
 ACCT # 0209396055
 Swift # UPNBUS44

ACH INSTRUCTIONS:

Regions Bank
 1717 McKinney Av.
 Dallas, TX 75202
 ABA# 111900785
 ACCT # 0209396055
 Swift # UPNBUS44

CREDIT CARD OR ONLINE PAYMENTS:

Payments can be made directly using the Firm's website. Direct link here:
<http://www.ccsb.com/our-firm/existing-clients/>

To ensure proper payment application, please provide bill number with all payments. For account or payment assistance, please email: Receipts@ccsb.com

**CARRINGTON COLEMAN**

Carrington, Coleman, Sloman & Blumenthal, L.L.P. ■ 901 Main Street, Suite 5500 ■ Dallas, Texas 75202 ■ 214.855.3000 ■ fax: 214.855.1333

Attorneys at Law
 Tax ID #75-1315313
 Email: ccsb@ccsb.com

07/26/23

Bill Number: 384460

Page 2

DETAIL OF PROFESSIONAL SERVICES RENDERED

DATE	DESCRIPTION OF SERVICES	TKPR	HOURS
07/05/23	Trial (at Courthouse) (8.0) Trial Preparation for Day 2 (4.8)	MAB	12.80
07/05/23	In trial (jury selection, opening, started Sandolph), including prep time before and after.	PLG	14.00
07/06/23	Trial Prep for Day 2 (1.9) Trial (at Courthouse) (3.0) Post-Mistrial strategy analysis (.6)	MAB	5.50
07/06/23	Prepping for trial day (1.4); in trial until mistrial granted, and then strategy with client and witnesses at the court (3.0); strategy/analysis with M. Birrer on next steps (.5).	PLG	4.90
TOTAL			37.20

**CARRINGTON COLEMAN**

Carrington, Coleman, Sloman & Blumenthal, L.L.P. ▪ 901 Main Street, Suite 5500 ▪ Dallas, Texas 75202 ▪ 214.855.3000 ▪ fax: 214.855.1333

Attorneys at Law
 Tax ID #75-1315313
 Email: ccsb@ccsb.com
 07/26/23

Bill Number: 384460
 Page 3

DESCRIPTION OF EXPENSES

DISBURSEMENT SUMMARY

DESCRIPTION	AMOUNT
Meals (Business):	100.67
Travel expenses:	1,032.43
TOTAL DISBURSEMENTS	\$1,133.10

DISBURSEMENT DETAIL

DATE	DESCRIPTION	AMOUNT
07/06/23	Meals (Business): Vendor: Mike Birrer; Invoice#: 70623; Date: 7/6/2023 - Travel to: Waco, Texas Departure: 07/04/2023 - Return: 07/06/2023; Meals: \$100.67	100.67
07/06/23	Travel expenses: Vendor: Mike Birrer; Invoice#: 70623; Date: 7/6/2023 - Travel to: Waco, Texas Departure: 07/04/2023 - Return: 07/06/2023; Hotel: \$770.91; Mileage: 190 mile @ 65.5 cents: \$124.45	895.36
07/06/23	Travel expenses: Vendor: Taylor, Carolyn F; Invoice#: 70723; Date: 7/6/2023 - Reimburse for mileage from CCSB to US District Courthouse and back - day trip: \$127.07 - Parking fee: \$10.00	137.07
	TOTAL DISBURSEMENTS	\$1,133.10